

REMARKS

Reconsideration of this application is requested.

With entry of this amendment, the pending claims are previously presented claims 1-7, 9 and 10 and new dependent claims 11-14. The new claims find support in the applicant's disclosure at, for example, page 4, lines 21-22; page 2, lines 1-2; and page 2, lines 12-15.

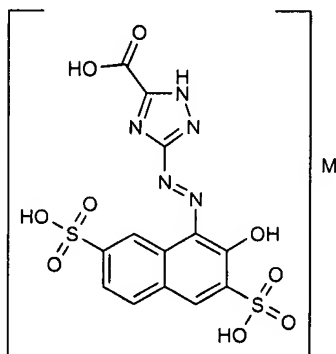
All of the applicant's claims, including new claims 11-14, are thought to be allowable for reasons noted herein.

Reconsideration of the double-patenting rejection which is based, primarily, on the commonly assigned U.S. 6,979,364, is requested, in view of the attached Terminal Disclaimer.

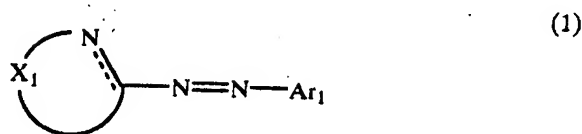
The Examiner is also requested to reconsider the Section 102(e) rejection of the applicant's claims as anticipated by Chino et al. (U.S. 2003/0125530 A1). The reference does not disclose the applicant's invention as claimed.

Anticipation requires a clear and unequivocal disclosure, expressly or inherently, of the subject matter being claimed. The Chino et al. disclosure does not meet this requirement. With respect, it is submitted that the Examiner's rejection is grounded on an arbitrarily synthesized collection of bits and pieces from the Chino et al. disclosure, based on hindsight reconstruction in the light of the applicant's disclosure, rather than from anything disclosed by Chino et al. Stated otherwise, the Examiner has "cut out" four separate parts of Chino et al. and "pasted" these together in a manner which does not truly reflect the document as published. In effect, the Examiner has created his own prior art as the artificial construct presented by the Examiner does not exist as such in Chino et al. and, even if it existed in Chino et al., it would not, in any case, destroy the novelty of the applicant's claims.

More specifically, applicant's claim 1 requires the presence of a metal chelate of Formula (1) or salt thereof, wherein M is nickel



Chino et al. (0014) and (0015) disclose a structure of Formula (1) as follows.



wherein X₁ represents a chain of a plurality of atoms containing a total of 2 or more hetero atoms of one or more kinds selected from the group consisting of nitrogen atom, oxygen atom, sulphur atom and required to form at least over 6- to 7-membered rings."

The heterocyclic ring in Chino et al. therefore covers countless heterocyclic structures. They can be 5-, 6- or 7-membered, whereas the present claims require only 5-membered. The heterocyclic rings in Chino et al. can contain sulphur atoms, which are not present in the applicant's heterocyclic rings. Furthermore, they can contain oxygen atoms, which also are not present in the applicant's heterocyclic rings. The rings of Chino et al. can be fused or contain substituents which again do not correspond to the carboxy groups in the present claims.

All things considered, the disclosure of heterocyclic rings in Chino et al. is so sprawling and general that it does not fairly suggest a nickel chelated 3-carboxy triazole group coupled to the 1-position of a 2-hydroxy-3,7-disulpho naphthalene as required in the present claims.

The Examiner has also "cut and pasted" Chino et al structure 6-15 to support the Section 102 rejection. However, this structure is not relevant to novelty because it lacks a 7-sulpho group required by the present claims and has a 6-sulpho group which the present claims do not allow.

The Examiner's next "cut and paste" is taken from Table 1, structure 1-2. This disembodied, partial structure does not destroy novelty because the metal is not explicitly stated and Chino et al. do not disclose attachment to a 2-hydroxy-3,7-disulpho naphthalene group as required by the present claims.

Finally, the Examiner has referred to structure (I.1) from page 11, [0115] of Chino et al. This structure is not relevant to novelty because it lacks a carboxy group on the triazine ring. Furthermore, it lacks a necessary 7-sulpho group on the naphthalene ring system and has a 6-sulpho group which is not allowed by the present claims.

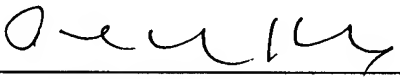
In view of the foregoing, the applicant respectfully submits that the applicant's compounds as claimed are novel and the Examiner's Section 102(e) rejection of claims 1-7 and 9-10 should, therefore, be withdrawn.

It is also submitted that new claims 11-14 should be allowable over Chino et al. for the reasons noted above. Furthermore, it is noted that new claims 11 and 12 relate to inks having a viscosity at 25°C of less than 50cP and 5cP, respectively. Chino et al. do not appear to mention viscosity at all. Hence claims 11 and 12 define novelty over Chino et al. for this reason as well.

It is also noted that claim 14 requires the compound of Formula (1) to have been purified by ultra filtration, reverse osmosis and/or dialysis to remove undesirable impurities before incorporation into the ink for ink-jet printing. Chino et al. do not disclose or even remotely suggest such a purification.

In view of the foregoing, the Examiner is requested to reconsider and allow the application.

Respectfully submitted,
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